



Attorney Docket No.: 1011350-000287

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Mail Stop APPEAL BRIEF - PATENTS
Takenori Idehara et al.)	
Application No.: 09/961,363)	Group Art Unit: 2152
Filed: September 25, 2001)	Examiner: Ramsey Refai
For: NETWORK DEVICE)	Appeal No.:
CONNECTING SYSTEM, DATA)	Confirmation No.: 5946
TRANSMISSION DEVICE, DATA)	
RECEIVING DEVICE, AND)	
PORTABLE TERMINAL)	

SUBSTITUTE APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: January 18, 2006

Sir:

This appeal is from the decision of the Primary Examiner dated May 2, 2005 (Paper No. 20050421) in which claims 46-71 were finally rejected. Claims 46-71 are reproduced in the Claims Appendix of this Brief.

This Brief contains items under the following heading as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

- I. Real Party In Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
- VII. Argument
- Appendices
 - VIII. Claims Appendix
 - IX. Evidence Appendix (None)
 - X. Related Proceedings Appendix (None)

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I. Real Party in Interest

The present application is assigned to Minolta Co., LTD., who is the real party in interest.

II. Related Appeals and Interferences

There are no known currently pending related appeals or interferences in the subject application.

III. Status of Claims

Claims 1-45 have been canceled without prejudice in the Amendment filed March 3, 2005 and new claims 66-77 were added. Claims 72-77 were restricted by the Examiner and withdrawn from consideration. Therefore, claims 46-71 are now presented for examination and appeal.

IV. Status of Amendments

No amendments have been made to claims 46-71 subsequent to the final rejection.

V. Summary of Claimed Subject Matter

[0002] The invention relates to network device connecting system, data transmission device, data receiving device, and portable terminal using a network (page 1, lines 10-12).

[0103] The overall structure of a printing system concerning Embodiment I-1 will be described referring to Fig. 1 (page 17, lines 17-18).

[0104] The printing system includes a scanner 10 having a function as a data storage device, a printer 20 and a portable terminal 40. The scanner 10 and the printer 20 are constituted to be able to communicate with each other via a network 30 (page 17, lines 20-23).

[0105] The kinds and the number of devices on the network 30 are not limited to those shown in Fig. 1. The network 30 can be, for example, a LAN (Local Area Network) or a WAN (Wide Area Network), which consists of LANs connected together, using Ethernet®, Token Ring, FDDI (Fiber Distributed Data Interface), etc. (page 17, lines 24 through page 18, line 5).

[0106] Let us assume that a user-A carries a portable terminal 40 such as a cellular phone or a PHS. The portable terminal according to Embodiment I-1 is not limited to them, but can be a PDA (Personal Digital Assistant), notebook type computer, electronic notepads, etc., in other words, any terminal that can be transported by hand (page 18, lines 6-11).

[0107] The portable terminal 40 is capable of performing short distance communications with the scanner 10 and the printer 20. The short distance communications include short distance wireless communications and short distance wired communications without recourse to the network 30 (page 18, lines 12-16).

[0117] The portable terminal 40 includes a CPU 41, a ROM 42, a storage unit 43, input keys 44, a microphone 45, a display 46, a speaker 47, a local interface 48, a wireless device 49, and a bus 50 as shown in Fig. 4 (page 20, lines 12-15).

[0119] The local interface 48 corresponds with the local interfaces 17 and 27. Specifically, the local interface 48 is an interface for communicating with the scanner 10 and the printer 20 locally, i.e., for communicating directly with other device within short distances (page 20, lines 21 through page 21, line1).

[0122] The operating procedure of the printing system will be described referring to the sequence chart shown in Fig. 6 (page 21, lines 14-16).

[0123] First, at the step S101, the scanner 10 reads an image of the document and stores the image data (page 21, lines 17-18).

[0124] At the step S102, the portable terminal 40 transmits to the scanner 10 via the network 30 a signal requesting the device information of the scanner 10 including

the connection information required for establishing connection with the scanner 10 (page 21, lines 19-23).

[0125] At the step S103, the scanner 10 transmits the device information to the portable terminal 40 and the device information is stored by the portable terminal 40 (page 21, line 24 through page 22, line 2).

[0126] At the step S104, after the user-A, who is carrying the portable terminal 40, moves to the vicinity of the printer 20 as shown by alternate long and two short dashes line in Fig. 1, the user-A operates the portable terminal 40 to transmit the device information to the printer 20, and the device information is stored in the printer 20 (page 22, lines 3-8).

[0127] At the step S105, the printer 20 transmits a connection request to the scanner 10 via the network 30 based on the connection information of the device information (page 22, lines 9-11).

[0128] At the step S106, the scanner 10 transmits the connection response to the printer 20 via the network 30. Thus, the connection between the scanner 10 and the printer 20 is established (page 22, lines 12-15).

[0129] At the step S107, the printer 20 transmits the device information to the scanner 10 and an image data information request for specifying the image data stored at the scanner 10. The scanner 10 authenticates the image data information request from the printer 20 (page 22, lines 16-20).

[0130] At the step S108, the scanner 10 transmits the image data information to the printer 20 and the image data information is stored into the printer 20 (page 22, lines 21-23).

[0131] At the step S109, the printer 20 transmits to the scanner 10 the request of an image data selected by the user-A from the image data information (page 22, line 24 through page 23, line 2).

[0132] At the step S110, the scanner 10 transmits the requested image data to the printer 20 (page 23, lines 3-4).

[0133] The printer 20 prints the requested image data on paper (S111). When the user-A, who is carrying the portable terminal 40, later goes out of a predetermined range of the printer 20, the device information in the printer 20 is deleted (S112). (Page 23, lines 5-9).

[0197] Embodiment I-2 describes that the device information stored in the printer 20a is deleted at the end of one job of printing an image data. However, the device information may be deleted at the end of a plurality of printing jobs. In such a case, it is preferable that the printer 20a should ask the user whether the next print job exists by means of the operating panel unit 24 (page 35, lines 10-16).

[0200] The data transmit-receive system according to Embodiment II-1 is, as shown in Fig. 15, includes a portable terminal 110, a data receiving device (first device) 130, and a data transmission device (second device) 150 (page 35, line 23 through page 36, line 2).

[0201] The portable terminal 110 is communicable with the data receiving device 130 by means of wireless connection with external devices for short distance communications, and also with the data transmission device 150 via the mobile telecommunication network 170. Specifically, the portable terminal 110 has a means of communicating through the mobile telecommunication network 170 as well as a local communication means for communicating in short distances (page 36, lines 3-10).

[0202] In more detail, the mobile telecommunication network 170 includes a base station 171 that communicates wirelessly with the portable terminal 110, a base station 173 that communicates wirelessly with the data transmission device 150, and a mobile switching center 172 that connects the base station 171 and the base station 173. When both the portable terminal 110 and the data transmission device

150 are located within the same cell, they share the common base station (page 36, lines 11-19).

[0203] The data receiving device 130 includes a communication means of communicating through the computer network 190 and a local communication means for short distance communications. The data transmission device 150 has a communication means of communicating with the portable terminal 110 via the mobile telecommunication network 170 and a means of communicating with the data receiving device 130 via the computer network 190 (page 36, line 20 through page 37, line 3).

[0204] Therefore, the data receiving device 130 and the data transmission device 150 are communicable via the computer network 190. The computer network 190 is, e.g., LAN, WAN, or the Internet (page 37, lines 4-7).

[0205] The constitutions of the portable terminal 110, the data receiving device 130, and the data transmission device 150 referring to Fig. 16 through Fig. 18 (page 37, lines 8-10).

[0212] The communication procedure of the data transmit-receive system will be described referring to the sequence chart shown in Fig. 19 (page 39, lines 10-12).

[0213] First, the data transmission device 150 transmits the connection request to the portable terminal 110 via the mobile telecommunication network 170. As it receives a connection request, the portable terminal 110 transmits a connection response to the data transmission device 150 via the mobile telecommunication network 170 (page 39, lines 13-18).

[0214] Thus, the connection between the data transmission device 150 and the portable terminal 110 is established. The data transmission device 150 transmits a device information transmission request to the portable terminal 110 via the mobile telecommunication network 170 (page 39, lines 19-23).

[0215] As it receives the device information transmission request, the portable terminal 110 transmits a connection request to the data receiving device 130 located nearby by means of the wireless connection between devices (page 39, line 24 through page 40, line 3).

[0216] As it receives the connection request, the data receiving device 130 transmits a connection response to the portable terminal 110 by means of the wireless connection between devices (page 40, lines 4-7).

[0217] Thus, the connection between the portable terminal 110 and the data receiving device 130 is established. Then, the portable terminal 110 transmits the device information transmission request to the data receiving device 130 (page 40, lines 8-11).

[0218] Next, the data receiving device 130 transmits the device information to the portable terminal 110, and then severs the connection with the portable terminal 110. On the other hand, the portable terminal 110 transmits the received device information to the data transmission device 150 via the mobile telecommunication network 170, and severs the connection with the data transmission device 150 (page 40, lines 12-18).

[0219] The data transmission device 150 transmits the connection request to the data receiving device 130 via the computer network 190 based on the device information. As it receives the connection request, the data receiving device 130 transmits the connection response to the data transmission device 150 via the computer network 190 (page 40, lines 19-24).

[0220] Thus, the connection between the data transmission device 150 and the data receiving device 130 is established. The data transmission device 150 transmits the data to the data receiving device 130, and then severs the connection with the data receiving device 130 (page 41, lines 1-5).

[0221] The device information will be described below referring to Fig. 20 (page 41, lines 6-7).

[0222] The device information includes the connection information for the computer network 190 required for transmitting the data from the data transmission device 150 to the data receiving device 130 and the specification information of the output means of the data receiving device 130 (page 41, lines 8-13).

[0223] The connection information includes the communication protocol for the computer network 190 and the identification code of the data receiving device 130, and they are the LPR protocol and the IP address in case of Embodiment II-1 (page 41, lines 14-18).

VI. Grounds of Rejection to be Reviewed on Appeal

The issues presented for review by the Board of Patent Appeals and Interferences are:

A. whether claims 46-47, 49-52, 55-59, 62 and 64-65 were properly rejected under 35 U.S.C. §102(e) as being anticipated by *Liu et al* (U.S. Patent No. 6,574,664); and

B. whether claims 48, 53-54, 60-61, 63 and 66-71 were properly rejected under 35 U.S.C. §103 as being unpatentable over *Liu et al* in view of *Eldridge et al* (U.S. Patent No. 6,515,988).

VII. Argument

A. Rejection of claims 46-47, 49-52, 55-59, 62 and 64-65

Applicants respectfully submit that *Liu et al* does not show, teach or suggest a system including a) a data transmission device and a data receiving device which are (both) connected to a network and b) at least one portable terminal as claimed in claims 46, 51, and 58. Additionally, nothing in *Liu et al* shows, teaches or suggests the internal structure of a data transmission device, a data receiving device and a portable terminal as claimed in respective claims 46, 51, and 58.

1. Claim 46

Liu et al discloses in Figure 2 a network 120 which includes a number of network elements, devices or nodes 122-132, one of which acts as a local discovery node 132. The devices 122-132 can be workstations, personal computers, hubs, printers and the like (column 3, lines 33-42). Additionally, Figure 3 shows a second network 134 which includes first, second and third subnets S1, S2 and S3 (column 3, lines 43-57). Thus, Figures 2 and 3 of *Liu et al* disclose all elements connected to the network 120, 134. However, as claimed in claim 46, a system includes a) a data transmission device and a data receiving device which are (both) connected to a network and b) at least one portable terminal. Nothing in *Liu et al* shows, teaches or suggests at least one portable terminal (which is not connected to the network) as claimed in claim 46. Rather, *Liu et al* teaches away from the claimed invention since all the devices shown in Figures 2 and 3 of *Liu et al* are connected to the network.

Additionally, *Liu et al* merely discloses a network including a number of devices where one of them acts as a local discovery node having the capability to obtain or discover the internet protocol (IP) address and hardware address (medium access control (MAC)) address of the nodes on a local or remote network (column 2, lines 18-22). Nothing in *Liu et al* shows, teaches or suggests the structure of the devices connected to the network. Rather, *Liu et al* merely discloses how these devices obtained IP and MAC addresses. Thus nothing in *Liu et al* shows, teaches or suggests a data transmission device comprising first and second transmission units and a receiving unit as claimed in claim 46. Rather, *Liu et al* does not show, teach or suggest the internal structure of the devices connected to the networks.

Liu et al also discloses that a remote node or remote discovery node is capable of sending a "ping" to devices on the remote network on demand from another device (column 2, lines 57-59, column 6, line 63 through column 7, line 5). If assuming *arguendo* that the device that demands the remote discovery node is analogous to the first transmitting unit claimed in claim 46, then the remote discovery node would be analogous to the portable terminal. However, the remote discovery node is in fact device 154 as shown in Figure 3 (column 6, lines 52-55). Thus,

device 154 is also connected to a network and thus cannot be analogous to the portable terminal claimed in claim 46.

Finally, assuming *arguendo* that the local discovery node is analogous to the data transmitting device claimed in claim 46, nothing in *Liu et al* shows, teaches or suggests a second transmission unit transmitting, to a data receiving device, a signal for requesting a connection based on the device information as claimed in claim 46. Nothing in *Liu et al* shows, teaches or suggests the local discovery node requests connection to any of the devices on the network. Rather, the local discovery node has the capability to obtain IP and MAC addresses on the local or remote networks and to manage the devices in accordance with the simple network management protocol (SNMP). (Column 2, lines 22-25 and col. 5, lines 57-58).

2. Claim 51

As discussed above, Figures 2 and 3 of *Liu et al* merely disclose all the devices are connected to a network. Nothing in *Liu et al* shows, teaches or suggests a system including a) a data transmission device and a data receiving device which are (both) connected to a network and b) at least one portable terminal (which is not connected to the network) as claimed in claim 51. Rather, all devices of *Liu et al* are connected to the network.

Liu et al additionally discloses a remote discovery node capable of "pinging" devices on the remote network on demand from another device, and stores the information in a database that can be used by other application programs (column 2, lines 57-67). In other words, *Liu et al* merely discloses a remote discovery node (154 in Figure 3) (see column 6, lines 52-55) which store information in a table upon demand from another device. However, nothing in *Liu et al* shows, teaches or suggests that the remote node a) transmits information to a portable terminal or b) transmits information according to a request signal from a portable terminal as claimed in claim 51. In other words, the local discovery node 136 of *Liu et al* that demands "pinging" by the remote discovery node is not a portable terminal. Furthermore, based upon the demand from the local node, the remote terminal

merely stores information into a table and the local discovery node reads the table through a SNMP GetNext request (col 6, lines 58-62).

Finally, *Liu et al* merely discloses that the remote discovery node obtains the remote IP and MAC address information and stores it into a database to be read later by other application programs. Nothing in *Liu et al* shows, teaches or suggests a connection unit establishing a connection with a data transmission device according to a signal for requesting the connection transmitted from the data transmission device based on device information as claimed in claim 51. Rather, the remote discovery node in *Liu et al* merely obtains address information and stores it into a database.

3 Claim 58

As discussed above, *Liu et al* merely discloses a plurality of devices all connected to a network. Nothing in *Liu et al* shows, teaches or suggests a system including a) a transmission device and a data receiving device which are (both) connected to a network and b) a portable terminal as claimed in claim 58.

Additionally, *Liu et al* discloses at column 2, lines 52-67 that on demand from another device, a remote node "pings" devices on the remote network to obtain their addresses. Nothing in *Liu et al* shows, teaches or suggests a portable terminal which functions as a go-between or an agent between a data transmission device and a data receiving device (both) connected to a network and which executes address inquiry as claimed in claim 58. Rather, *Liu et al* merely discloses a remote node connected to a network which "pings" other devices on the network based upon a demand from a local node.

Furthermore, *Liu et al* merely discloses that the remote node stores the address information into a database which can be used by other application programs. Nothing in *Liu et al* shows, teaches or suggests a second transmission unit transmitting device information to a data transmission device as claimed in claim 58. Rather, the remote node merely stores information in a database.

B. Rejection of Claims 48, 53-54, 60-61, 63 and 66-71

Applicants respectfully submit that the prior art taken singularly or in combination does not show, teach or suggest a system including a) a data transmission device and a data receiving device which are (both) connected to a network and b) a portable terminal as claimed in claim 66. Furthermore, applicants respectfully submit that the prior art, taken singularly or in combination, does not show, teach or suggest a wireless communication unit receiving device information of the data transmission device from the portable terminal and a controller deleting the device information if a certain condition is satisfied as claimed in claim 66.

4. Claim 66

As discussed above, *Liu et al* merely discloses in Figures 2 and 3, all devices are connected to a network. Thus nothing in *Liu et al* shows, teaches or suggests a portable terminal as claimed in claim 66.

Additionally, *Liu et al* merely discloses a device demanding a remote node ping other devices. However, *Liu et al* discloses that the other device is in fact the local node (column 6, lines 52-62). Thus nothing in *Liu et al* shows, teaches or suggests a wireless communication unit receiving device information from a portable terminal as claimed in claim 66. Rather, *Liu et al* merely discloses a remote node receiving a demand from another device to ping devices on the remote network.

Additionally, as discussed above, Figures 2 and 3 of *Liu et al* merely disclose that all devices are connected to the network. Thus nothing in *Liu et al* shows, teaches or suggests a wireless communication unit as claimed in claim 66. Rather, *Liu et al* teaches away from the claimed invention since all devices are connected to the network.

Eldridge et al appears to disclose a computer network 21 having an infrared transceiver 22. However, nothing in *Eldridge et al* shows, teaches or suggests a) a system including a data transmission device and a data receiving device which are connected to a network and a portable terminal; b) a wireless communication unit

receiving device information from a portable terminal and c) a controller deleting device information if a certain condition is satisfied as claimed in claim 66. Rather, *Eldridge et al* merely discloses an infrared transceiver 22 used in a computer network 21.

The combination of *Liu et al* and *Eldridge et al* would merely suggest that when document information is to be exchanged, using the transceiver of *Eldridge et al* for devices of *Liu et al* that support token exchange. Thus nothing in the combination of the references shows, teaches or suggests the invention as claimed in claim 66.

For all the above-stated reasons, applicants respectfully request the honorable Board of Patent Appeals and Interferences reverses the Examiner's decision in this application since applicants respectfully submit that the final rejection of claims 46-47, 49-52, 55-59, 62 and 64-65 under 35 U.S.C. §102(e) is in error and that the rejection of claims 48, 53-54, 60-61, 63 and 66-71 under 35 U.S.C. §103 is in error.

VIII. Claims Appendix

See attached Claims Appendix for a copy of the claims involved in the appeal.

IX. Evidence Appendix

See attached Evidence Appendix for copies of evidence relied upon by Appellant.

X. Related Proceedings Appendix

See attached Related Proceedings Appendix for copies of decisions identified in Section II, supra.

In the event that this paper is not timely filed within the currently set shortened statutory period, applicant respectfully petitions for an appropriate extension of time.

The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

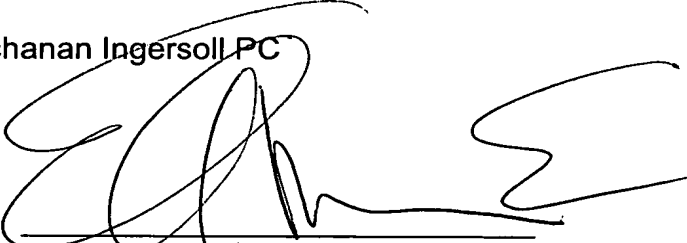
In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

Buchanan Ingersoll PC

Date January 18, 2006

By:


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VII. CLAIMS APPENDIX

The Appealed Claims

46. A data transmission device to be used in a system including said data transmission device and a data receiving device which are connected to a network, and at least one portable terminal, said data transmission device comprising:

a first transmission unit transmitting to said portable terminal a signal for obtaining device information from said data receiving device, the device information containing connection information for establishing a connection between said data transmission device and said data receiving device;

a receiving unit receiving the device information from said portable terminal;
and

a second transmission unit transmitting to said data receiving device a signal for requesting a connection based on the device information.

47. A data transmission device as claimed in claim 46, wherein the second transmission unit transmits data to said data receiving device via said network after establishing a connection with said data receiving device.

48. A data transmission device as claimed in claim 46, in which said first transmission unit and said receiving unit transmit and receive data with said portable terminal via a mobile telecommunication network.

49. A data transmission device as claimed in claim 46, in which said connection information contains an identification code for identifying said data receiving device on said network.

50. A data transmission device as claimed in claim 49, in which said identification code is an IP address.

51. A data receiving device to be used in a system including a data transmission device and said data receiving device which are connected to a network, and at least one portable terminal, said data receiving device comprising:

a transmission unit transmitting device information to said portable terminal according to a request signal from said portable terminal, the device information containing connection information for establishing a connection between said data transmission device and said data receiving device; and

a connection unit establishing a connection with said data transmission device according to a signal for requesting the connection transmitted from said data transmission device based on the device information.

52. A data receiving device as claimed in claim 51, in which said transmission unit comprises a communication unit communicating in short distances for transmitting the device information to said portable terminal.

53. A data receiving device as claimed in claim 52, in which said communication comprises a wireless communication unit.

54. A data receiving device as claimed in claim 53, in which said communication unit carries out communication based on either Bluetooth®, IEEE 802.11, HomeRF®, or IrDA®.

55. A data receiving device as claimed in claim 52, in which said communication unit comprises a wired communication unit.

56. A data receiving device as claimed in claim 51, in which said connection information contains an identification code for identifying said data receiving device on said network.

57. A data receiving device as claimed in claim 56, in which said identification code is an IP address.

58. A portable terminal to be used in a system including a data transmission device and a data receiving device which are connected to a network, and said portable terminal, said portable terminal comprising:

a first transmission unit transmitting to said data receiving device a signal for requesting transmission of device information according to a request from said data

transmission device, the device information containing connection information for establishing a connection between said data transmission device and said data receiving device;

a receiving unit receiving the device information from said data receiving device; and

a second transmission unit transmitting the device information received from said data receiving device to said data transmission device.

59. A portable terminal as claimed in claim 58, in which said first transmission unit and said receiving unit comprise a communication unit communicating in short distances for transmitting and receiving data with said data receiving device.

60. A portable terminal as claimed in claim 59, in which said communication unit comprises a wireless communication unit.

61. A portable terminal as claimed in claim 60, in which said communication unit carries out communication based on either Bluetooth®, IEEE 802.11, HomeRF®, or IrDA®.

62. A portable terminal as claimed in claim 59, in which said communication unit comprises a wired communication ~~means~~ unit.

63. A portable terminal as claimed in claim 58, in which said second transmission unit transmits the device information to said data transmission device via a mobile telecommunication network.

64. A portable terminal as claimed in claim 58, in which said connection information contains an identification code for identifying said data receiving device on said network.

65. A portable terminal as claimed in claim 64, in which said identification code is an IP address.

66. A data receiving device to be used in a system including a data transmission device and said data receiving device which are connected to a network, and a portable terminal, said data receiving device comprising:

a wireless communication unit receiving device information of said data transmission device from said portable terminal, the device information containing connection information for establishing a connection between said data transmission device and said data receiving device; and

a controller deleting the device information if a certain condition is satisfied.

67. The data receiving device of claim 66, wherein the certain condition includes a condition where the wireless communication unit fails to communicate with the portable terminal device.

68. The data receiving device of claim 66, wherein the certain condition includes a condition when the portable terminal device is out of a range from the wireless communication unit.

69. The data receiving device of claim 66, wherein the wireless communication unit carries out wireless communication with the portable terminal device based on either Bluetooth®, IEEE 802.11, HomeRF®, or IrDA®.

70. The data receiving device of claim 66, wherein the connection information contains an identification code for identifying the data transmission device on the network.

71. The data receiving device of claim 70, wherein the identification code is an IP address.

IX. EVIDENCE APPENDIX

(NONE)

X. RELATED PROCEEDINGS APPENDIX

(NONE)



Attorney's Docket No. 1011350-000287

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Takenori Idehara et al.

Application No.: 09/961,363

Filed: September 25, 2001

For: NETWORK DEVICE
CONNECTING SYSTEM, DATA
TRANSMISSION DEVICE, DATA
RECEIVING DEVICE, AND
PORTABLE TERMINAL

) **Mail Stop APPEAL BRIEF - PATENTS**

) Group Art Unit: 2152

) Examiner: Ramsey Refai

) Appeal No.:

) Confirmation No.: 5946

**TRANSMITTAL LETTER FOR APPELLANT'S
SUBSTITUTE BRIEF ON APPEAL**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: January 18, 2006

Sir:

This Substitute Brief on Appeal is in response to the Notification of Non-Compliant Appeal Brief under 37 C.F.R. 41.37 (enclosed herewith) received from the U.S. Patent & Trademark Office dated January 10, 2006 (Paper No. 20051227). Applicant respectfully requests that the Examiner considers and approves the attached Substitute Brief on Appeal for examination in the above-identified patent application.

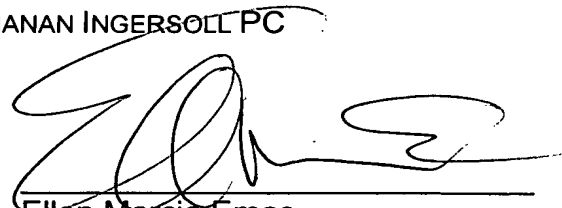
Applicants believe that no fee is due with this response. However, the Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

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UNITED STATES PATENT AND TRADEMARK OFFICE

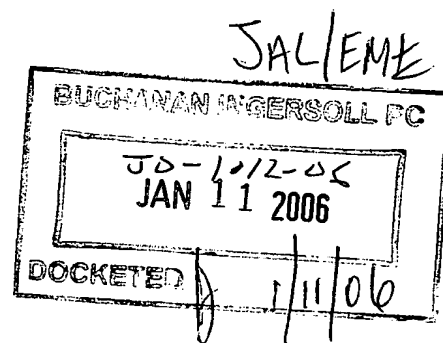
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,363	09/25/2001	Takenori Idehara	011350287	5946
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Platon N. Mandros BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			ART UNIT	PAPER NUMBER

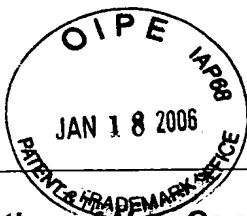
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URGENT



*Response to Non-Compliant Sue
2/10/06*



**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/961,363

Applicant(s)

IDEHARA ET AL.

Examiner

Ramsey Refai

Art Unit

2152

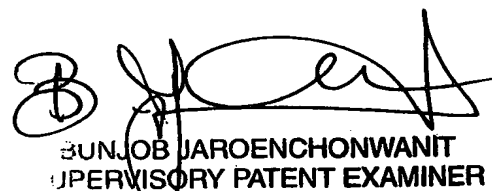
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The Appeal Brief filed on 31 October 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

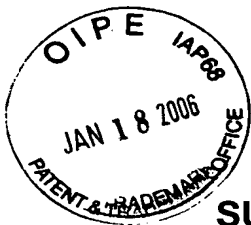
To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

The items in the brief are not in the proper order due to the inclusion of a "Conclusion" section, labeled VIII in the brief.


SUN JOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

Ramsey Refai
AU 2152



SUPPLEMENTAL APPLICATION DATA SHEET

Application Information

Application Number:: 09/961,363

Filing Date:: September 25, 2001

Application Type:: Utility

Title:: NETWORK DEVICE CONNECTING SYSTEM,
DATA TRANSMISSION DEVICE, DATA
RECEIVING DEVICE, AND PORTABLE
TERMINAL

~~Attorney Docket Number:: 011350-287~~

Attorney Docket Number:: 1011350-000287